

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



February 27, 2014

CSS LETTER: 14-03

ALL IV-D DIRECTORS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

SUBJECT: OPENING CHILD SUPPORT ARREARS ONLY CASES WHEN
 CHILDREN ARE EMANCIPATED

Reason for this Transmittal

- State Law or Regulation Change
- Federal Law or Regulation Change
- Court Order or Settlement Change
- Clarification requested by One or More Counties
- Initiated by DCSS

This letter supersedes and repeals the following Policy Interpretation notices previously disseminated by the Department of Child Support Services (DCSS): 08-08 dated February 28, 2008, 04-97 dated November 12, 2004, and 02-01 dated January 7, 2002.

The purpose of this letter is to provide clarification regarding whether local child support agencies (LCSAs) should open a case for the purpose of collecting accrued child support arrears on behalf of a custodial parent (CP) after the child(ren) have emancipated. It is DCSS' position that LCSAs are required to open IV-D cases to collect child support arrears owed to the CP after the child(ren) have emancipated. This direction is consistent with federal requirements provided in Title 45 of the Code of Federal Regulations Section 302.33(a)(1)(i). Services must be made available to any individual who files an application for services with the IV-D agency.

In addition, California law at Family Code section 17524 (a) requires that every applicant shall be requested to provide the LCSA a Declaration of Support Payment History, DCSS 0569 signed under penalty of perjury. The LCSA shall enforce only those arrearages. Local child support agencies shall not require the parties to obtain an order setting arrears as a condition to open the case.

If you have any questions, please contact the Policy and Program Branch (916) 464-5883.

Sincerely,

o/s

VICKIE K. CONTRERAS
 Deputy Director
 Child Support Services Division